

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE STEAK UMM COMPANY, LLC,	:	CIVIL ACTION
Plaintiff	:	
	:	NO. 09-2857
	:	
STEAK 'EM UP, INC.,	:	
Defendant	:	

ORDER

AND NOW, this 23rd day of August, 2011, upon careful consideration of the parties' motions for summary judgment, IT IS HEREBY ORDERED that:

1. The plaintiff's motion for summary judgment (Document No. 45) is **DENIED**.
2. The defendant's motion for summary judgment (Document No. 46) is **GRANTED in part** and **DENIED in part** as follows:
 - a. The defendant's motion is **DENIED** as to Counts One and Two of plaintiff's complaint.
 - b. The defendant's motion is **GRANTED** as to Count Three of plaintiff's complaint.
 - c. The defendant's motion is **GRANTED** as to plaintiff's claims for actual damages, treble damages, an accounting of profits, and attorneys' fees.
3. The defendant's motion for leave to file excess pages (Document No. 51) is **DENIED as moot**.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.